

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

NOV 9 2011

MATTHEW J. DYKMAN  
CLERKDavid J Lopez

Name

P.O. Box 1059Santa Fe N.M.

Address

87504UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICODavid J Lopez

(Full Name)

, Plaintiff

CASE NO. 11-998 JOB/RHS

(To be supplied by the Clerk)

v.  
 Warden Anthony Romero.  
 c/o James Chavez. , Defendant(s)  
 c/o Anthony Rosales.

CIVIL RIGHTS COMPLAINT  
PURSUANT TO 42 U.S.C. §1983Jury Trial demanded.

## A. JURISDICTION

1) David J Lopez , is a citizen of New Mexico  
 (Plaintiff) (State)  
 who presently resides at P.O. Box 1059, Santa Fe, N.M.  
87504.  
 (Mailing address or place of confinement)

2) Defendant Warden Anthony Romero is a citizen of  
 (Name of first defendant)  
Los Lunas New Mexico , and is employed as  
 (City, State)  
Warden of CNMCF. Main . At the time the claim(s)  
 (Position and title, if any)  
 alleged in this complaint arose, was this defendant acting under color of state law?  
 Yes ☒ No ☐ If your answer is "Yes", briefly explain:

Warden Anthony Romero Presided over  
 misconduct Reports and is Responsible  
 for actions of his c/o's.

- 3) Defendant c/o James Chavez is a citizen of  
Los Lunas, New Mexico, and is employed as  
c/o CNMCR. At the time the claim(s)  
 (Name of second defendant)  
 (City, State)  
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain:

c/o James Chavez falsified misconduct Report.  
 and also Assaulted said Plaintiff.

(Use the back of this page to furnish the above information for additional defendants.) See back for additional.

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.) 4th and 14th Amendment of the constitution. Cruel and Unusual punishment.

## B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

on 5/4/11, c/o James Chavez Assaulted Plaintiff,  
 David J Lopez and falsified misconduct Report.  
 Warden Anthony Romero Placed Plaintiff on disciplinary  
 detention level VI. c/o Anthony Rosales charged  
 Plaintiff on two different occasions 5/11/11, and  
 7/12/11. took money from account without  
 Plaintiff's Consent.

④ Warden Anthony Romero is Responsible for actions of % James Chaves and c/o Anthony Rosales. and also Placed Plaintiff in Level VI disciplinary, and also charged Plaintiff 50.00 for Repairs.

⑤ % Anthony Rosales Stole from Plaintiff's account on two different occasions 5/11/11 and 7/12/11.

② this was not the first time %  
● James Chaves and the Plaintiff  
had verbal confrontations. Disresp-  
ectful comments were becoming the  
Norm. Every time the Plaintiff went  
to get medication. ③ On the day of  
said incident % Chaves met the  
Plaintiff with disrespectful Rem-  
arks. the Plaintiff then also made  
Remarks to % Chaves who then  
visibly got extremely upset. the  
Plaintiff and Isaac Alvarez #50565  
went inside to the infirmary waiting  
room and immediately about one ④  
Minute after % Chaves entered  
the waiting room and told the  
● Plaintiff to get against the wall  
That is when % Chavez produced a

a piece of steel and told the Plaintiff Now you really messed up. ⑤ the Plaintiff and Mr Alvarez were then ordered to go to the Security office where LT Arnold Aragon spoke to %Chaves. then the Plaintiff was taken back to the infirmary where I was placed in a room by myself. ⑥ A few minutes later %Chaves came back and ordered the Plaintiff to submit to a urine sample which he claimed to be positive for T.H.C. ⑦ I told %Chaves that the the test was faulty and that I wanted a confirmation. %Chaves and another % who I don't know produced a paper for a confirmation, ⑧ I was told by %Chaves that I better stop messing around

and to JUST SIGN the Paper. So

● the Plaintiff then Signed the box stating that I Wanted a Confirmation. ⑨ It was at that moment that %Chaves grabbed the Plaintiff and Slamed him to the ground and pulled his arm almost breaking it. %Chaves then ordered Plaintiff to Mark

● the Space Indicating that Inmate did NOT Want Confirmation. ⑩ Plaintiff was then placed in disciplinary level VI and charged with A18, A20, B26, B29, I tried to prove my innocence by appealing the charges to Warden Anthony Romero but Plaintiff was found guilty. ⑪

● Plaintiff was then given 90 days in disciplinary, also denied good

Time. Was also denied my ONE hour Recreation time ON NUMEROUS instances. Was also charged 5000 dollars for damages to who knows what. ⑫ the Plaintiff David J Lopez Points also were raised because of incident and was sent to a higher Security Prison, because of the Malicious acts of S/O James Chaves and also good Time WAS NOT given to Plaintiff. Plaintiff was denied Medical attention, and the Plaintiff Wasnt allowed to prove that there Never was a Test given upon arrival to R.D.C. ON 4/13/11 ⑬ that in itself could prove S/O Chaves falsified said Report and Lied Just to Punish the Plaintiff Log # 11-05-194.



## C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: ON 5/4/11, the Plaintiff David Lopez

Went to get daily medication. ON My way to Med line % James chaves Verbaly disrespected said Plaintiff. See additional Page A-2.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

upon my entrance to R.D.C. the Plaintiff David Lopez was Never given a Urinalysis as described in Report % James chaves falsified the Report. Warden Anthony Romero failed to address said facts that Plaintiff arose. were 13 said URINALYSIS upon Arrival to R.D.C.

B)(1) Count II:

Before going to LOCKUP for said offence in Count ONE, the Plaintiff David J Lopez had ordered a Radio thru R.D.C. Electronics. See additional Page B-2.

(2) Supporting Facts:

Plaintiff did in fact submit a grievance but Never got answer. Shop Account 8656. Transfer batch #180011. Voucher I.D. #5061979. 5/11/11. Amount 19.00. Anthony Rosales, Rec, direc



B-2 COUNT 2

- ② the Plaintiff David J Lopez was charged 19.00 Receipt # 1585583. Money was taken from Plaintiff's account on 5/11/11.
- ③ Plaintiff wrote numerous Requests, then even submitted a grievance. Date received by grievance officer: 6/13/11. ④ grievance was returned to Plaintiff stating was Resolved through Informal Complaint
- ⑤ After checking Receipts Plaintiff noticed Money was Never Returned. Again the Plaintiff wrote to go ROSALES and to the Warden Anthony Romero but never got a answer or Money back for Radio.

C)(1) Count III: Again Plaintiff David J Lopez

ordered Canteen on 7/12/11. the Next day Plaintiff was transferred to P.N.M. Santa Fe. Money was again taken FROM account and NEVER RETURNED. See additional Page C-2

(2) Supporting Facts:

Inmate TRUST ACCOUNT

ON 7/12/11 commissary Purchase INVOICE 2  
\$16.00. #1617260.

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: \_\_\_\_\_

② C/o Anthony Rosales did in fact  
● Steal Money from Plaintiff

David T Lopez said account. Not  
ONCE but twice. as also described  
in count two. ③ C/o Anthony Rosales  
had to in fact Signe to get Money  
from Plaintiffs account which  
constitutes forgery. ④

● C/o Anthony Rosales Maliciously  
Stole from David Lopez account  
and when Plaintiff appealed to  
Warden Anthony Romero Plai-  
ntiff was met with a deaf  
ear. ⑤ Because of the actions  
of Warden Anthony Romero and  
C/o Anthony Rosales the Plaintiff  
has now had to double his sick  
● medication.

e) Approximate date of filing lawsuit: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_


- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

On Count 1 - 2 - 3, the Plaintiff appealed to Warden Anthony Romero. On Count 2 - 3 the Plaintiff informed Mr. Anthony Rosales numerous times, also thru grievance

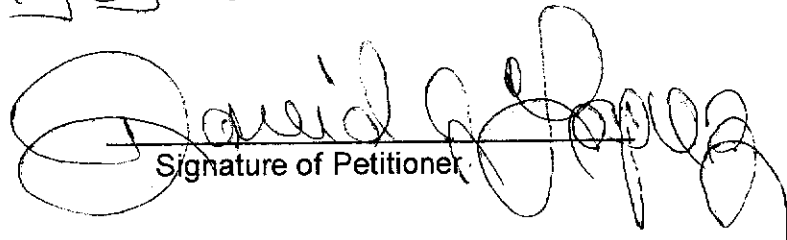
E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

To demote Warden Anthony Romero  
To fire and prosecute Anthony Rosales  
To sue for 5,000,000,  
for punitive damages 5,000,000.



Signature of Attorney (if any)



Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at

P.N.M. Santa Fe, NM  
(Location)

on

10/20 2011  
(Date)

[Signature]  
(Signature)

David & Hopey #48580,  
P.O. Box 1059,  
Santa Fe, NM,  
87504-1059.

RECEIVED  
At Albuquerque NM

NOV 9 2011

MATTHEW J. DYKMAN  
CLERK

U.S. District Court  
Office of the Clerk,  
Airt 270,  
333 Tomas Blvd, N.M.,  
Albuquerque, N.M.  
87102.

"Legal Mail"